IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 9962 OF 2007

Dated : JUNE 5, 2007

Between:

G.L.K.S. Diwakar

Petitioner

AND

The Chief Manager,
Punjab National Bank,
Secunderabad Branch, Secunderabad and others

Respondents

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 9962 OF 2007

ORAL ORDER:

Having heard the learned counsel for the petitioner and having perused the material on record, I do not find

any justifiable reason to issue a writ of mandamus, as prayed for.

As could be seen, the allegations are against the third respondent, from whom the petitioner claims to have purchased the flat in question. Since the dispute relates to property rights between private persons, if aggrieved, the petitioner has to workout the appropriate common law remedy for redressal of his grievance against the 3rd respondent but cannot seek a writ of mandamus.

Even with regard to the allegation that the prescribed procedure under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has not been not followed, since an efficacious remedy is available under Sec. 17 of the Act, without exhausting such alternative remedy, the petitioner cannot invoke the extraordinary jurisdiction of this court under Article 226 of the Constitution of India.

Accordingly, giving liberty to the petitioner to workout appropriate remedy as available under law, the writ petition is dismissed of. No costs.

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JUSTICE G. ROHINI

JUNE 5, 2007

MAS